

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA
PITTSBURGH DIVISION

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| IN RE: | : | CASE NO.: 13-20470-JAD |
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| JOSEPH FRIONI AND DIANE LEE FRIONI | : | |
| | : | CHAPTER 13 |
| | : | |
| | : | ADVERSARY NO |
| DEBTOR | : | |
| | : | |
| JOSEPH FRIONI AND DIANE LEE FRIONI | : | |
| PLAINTIFFS | : | |
| | : | |
| VS. | : | |
| | : | |
| INSOLVE RECOVERY, LLC, C/O CAPITAL | : | |
| RECOVERY GROUP, LLC | : | |
| | : | |
| DEFENDANT. | : | |

COMPLAINT
§ 506 ACTION TO DETERMINE SECURED STATUS

NOW COME the Debtor, Joseph and Diane Frioni by and through their attorney, Santillan Law Firm, P.C. and Edgardo D. Santillan, Esquire and file the within Complaint and in support thereof aver the following:

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §157 and §1334 since this is a core proceeding relating to a case under Title 11 of the United States Code.
2. The Debtor filed a Voluntary Petition under Chapter 13 of the Bankruptcy Code on February 1, 2013.
3. Plaintiffs are adult individuals who reside at 566 Tank Farm Road, Aliquippa, PA 15001.
4. Defendant is InSolve Recovery, LLC with a business address of c/o Capital Recovery Group, LLC, and P.O. Box 88710, Milwaukee, WI 53288-0710 Attn: Nichlas Spallas, Agent.
5. At the time of filing of said Petition the Debtors are the owners of a 2008 Cub Cadet financed by the Defendant, InSolve Recovery, LLC, c/o Capital Recovery Group, LLC.
6. The Debtors believe that a portion of the loan is effectively unsecured due to actual fair market value of the vehicle and this Complaint is filed pursuant to §506 of the Bankruptcy Code to determine the actual secured obligations against the property.
7. Debtor believes that the fair market value of this vehicle is not in excess of \$1,200.00.

8. The Debtor's 2008 Cub Cadet Tractor has the following encumbrance:

(a) Claim with InSolve Recovery, LLC, c/o Capital Recovery Group, LLC, balance at time of filing, of \$4,651.81.

9. The Debtor's property has liens/encumbrances against the property that are not actually secured due to the market value of the collateral in question.

10. Debtors believe that the status of part of the secured claim of InSolve Recovery, LLC, c/o Capital Recovery Group, LLC is a partially unsecured obligation subject to discharge in the Bankruptcy filed by the Debtors.

WHEREFORE, the Debtors, Joseph and Diane Frioni, pray that this Honorable Court determine pursuant to §506 of the Bankruptcy Code, the actual value of the 2008 Cub Cadet of the Debtor's and to declare the values of all liens that exceed this actual market value as unsecured debt subject to discharge in this Bankruptcy as an unsecured creditor and find that unless the Debtor's bankruptcy case is dismissed, the Unsecured Interest of the Defendant as specified herein shall not survive the bankruptcy nor affix to nor remain enforceable against the aforementioned property of the Debtors.

Respectfully submitted,

SANTILLAN LAW FIRM, P.C.

Date: November 20, 2013

/s/ Edgardo D. Santillan
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